

## **Rio+20 Declaration on Justice, Governance and Law for Environmental Sustainability**

*We, the Chief Justices, Heads of Jurisdiction, Attorneys General, Auditors General, Chief Prosecutors, and other high-ranking representatives of the judicial, legal and auditing professions gathered here in Rio de Janeiro, Brazil, from 17 – 20 June 2012 for the World Congress on Justice, Governance and Law for Environmental Sustainability;<sup>1</sup>*

*Expressing* our concern for the continuing and unprecedented degradation of the natural environment which adversely impacts on achieving the goal of sustainable development and therefore the prosperity of present and future generations;

*Noting* the observations recorded in the Global Environmental Outlook 5 concerning the extent of environmental degradation in each of the world regions;

*Recalling* the principles enshrined in the 1972 Stockholm Declaration on the Human Environment and in the 1992 Rio Declaration on Environment and Development, as well as Agenda 21;

*Recognizing* the important contribution made by the legal and auditing community worldwide to the enforcement of standards and safeguards for environmental sustainability, and noting that the Judiciary in particular, has been the guarantor of the rule of law in the field of the environment worldwide and that judicial independence is indispensable for the dispensation of environmental justice;

*Recalling* the importance of the first Global Judges Symposium convened by the United Nations Environment Programme (UNEP) in 2002, in conjunction with the World Summit on Sustainable Development in Johannesburg, South Africa, and noting that since then, the importance of the Judiciary in environmental matters has further increased and resulted in a rich corpus of decisions as well as in the creation of a considerable number of specialized courts and green benches, and a lasting effect on improving social justice, environmental governance and the further development of environmental law, especially in developing countries;

*Emphasizing* the importance of societies based on the rule of law and standards of transparency and accountability;

*Affirming* the Kuala Lumpur and the Buenos Aires statements from the two preparatory meetings of Chief Justices, Heads of Jurisdiction, Attorneys General, Auditors General and other high-ranking representatives of the legal and auditing professions for this Congress, held in Kuala Lumpur, Malaysia, from 12-13 October 2011, and Buenos Aires, Argentina, from 23-24 April, respectively;

*Mindful* of the historic opportunity for the legal and auditing communities to express themselves on advancing justice, governance and law for environmental sustainability provided by the proximity of the World Congress with the United Nations Conference on Sustainable Development 2012 (Rio+20);

*Appreciating* the important role played by UNEP and its partner organizations and co-hosts<sup>2</sup> in the convening of this Congress,

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<sup>1</sup> This declaration attempts to capture the wide range of views of participants at the World Congress on Justice, Governance and Law for Environmental Sustainability. It does not represent a formally negotiated outcome nor does it necessarily capture all individual views or represent country or institutional positions, or consensus on all issues.

<sup>2</sup> The World Congress on Justice, Governance and Law for Environmental Sustainability was co-hosted by: Association of Magistrates and Judges in the State of Rio de Janeiro (Associação dos Magistrados do Estado do Rio de Janeiro - AMAERJ); Fundação Getúlio Vargas; and Ministério Público do Estado do Rio de Janeiro. It was organized with the following partners: Asian Development Bank (ADB); Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); International Criminal Police Organization (Interpol); International Organization of Supreme Audit Institutions – Working Group on Environmental Auditing (INTOSAI - WGEA); Organization of American States (OAS); South Pacific Regional Environment Program (SPREP); World Bank; International Network for Environmental

*Declare that:*

**I. Messages to Heads of State and Government, other high-level representatives, and the world community at large**

Without adherence to the rule of law, without open, just and dependable legal orders the outcomes of Rio+20 will remain unimplemented.

An independent Judiciary and judicial process is vital for the implementation, development and enforcement of environmental law, and members of the Judiciary, as well as those contributing to the judicial process at the national, regional and global levels, are crucial partners for promoting compliance with, and the implementation and enforcement of, international and national environmental law.

Environmental law is essential for the protection of natural resources and ecosystems and reflects our best hope for the future of our planet.

Environmental litigation often transcends national jurisdictions. We need more effective national and international dispute settlement systems for resolving conflicts.

Environmental sustainability cannot be achieved without good quality data, monitoring, auditing and accounting for performance.

Environmental and sustainability auditing ensures transparency, access to information, accountability, and efficient use of public finances, while protecting the environment for future generations.

Judges, public prosecutors and auditors have the responsibility to emphasize the necessity of law to achieve sustainable development and can help make institutions effective.

Scientific information and knowledge is a central foundation of effective compliance with and enforcement of environmental obligations.

States should cooperate to build and support the capacity of courts and tribunals as well as prosecutors, auditors and other related stakeholders at national, sub-regional and regional levels to implement environmental law, and to facilitate exchanges of best practices in order to achieve environmental sustainability by encouraging relevant institutions, such as judicial institutes, to provide continued education.

The existing international governance institutions to protect the global environment should be strengthened. We must create modern institutional structures capable of building networks and improved sharing of decision-making. There is an urgent need to give consideration to transforming UNEP to effectively lead and advance the global policy and law-making agenda for the environment within the framework of sustainable development.

**II. Principles for the Advancement of Justice, Governance and Law for Environmental Sustainability**

Meeting environmental objectives is part of a dynamic and integrated process in which economic, social and environmental objectives are closely intertwined.

We recognize that environmental laws and policies adopted to achieve these objectives should be non-regressive.

Environmental sustainability can only be achieved in the context of fair, effective and transparent national governance arrangements and rule of law, predicated on:

- (a) fair, clear and implementable environmental laws;
- (b) public participation in decision-making, and access to justice and information, in accordance with Principle 10 of the Rio Declaration, including exploring the potential value of borrowing provisions from the Aarhus Convention in this regard;
- (c) accountability and integrity of institutions and decision-makers, including through the active engagement of environmental auditing and enforcement;
- (d) clear and coordinated mandates and roles;
- (e) accessible, fair, impartial, timely and responsive dispute resolution mechanisms, including developing specialized expertise in environmental adjudication, and innovative environmental procedures and remedies; (f) recognition of the relationship between human rights and the environment; and
- (g) specific criteria for the interpretation of environmental law.

Environmental sustainability can only be achieved if there exist effective legal regimes, coupled with effective implementation and accessible legal procedures, including on *locus standi* and collective access to justice, and a supporting legal and institutional framework and applicable principles from all world legal traditions.

Justice, including participatory decision-making and the protection of vulnerable groups from disproportionate negative environmental impacts must be seen as an intrinsic element of environmental sustainability.

Only through the active engagement of all parts of society, especially national and sub-national institutions and officials responsible for addressing justice, governance and law issues, including judges, prosecutors, auditing institutions and other key functionaries, can meaningful progress be achieved that is sustained and responsive to the needs of the peoples of the world and protective of human rights.

### **III. Institutional Framework for the Advancement of Justice, Governance and Law for Environmental Sustainability in the 21st Century**

With UNEPs leadership, an international institutional network should be established, with the engagement of the World Congress partners and other relevant organizations, and under the guidance of selected Chief Justices, Heads of Jurisdiction, Attorneys General, Chief Prosecutors, Auditors General, eminent legal scholars and other eminent members of the law and enforcement community.

This international institutional network may promote the achievement of:

- (a) continued engagement of Chief Justices, Attorneys General, Heads of Jurisdiction, Chief Prosecutors and Auditors General, the institutions they represent and other components of the legal and enforcement chain, including through networks at the international and regional levels;
- (b) quality information and data exchange and discussion among the legal and auditing communities at large;
- (c) continued development and implementation of environmental law at all levels, and encouraging the further expansion of environmental jurisprudence;
- (d) improved education, capacity building, technology transfer and technical assistance, including with the aim of strengthening effective national environmental governance; and
- (e) adequate engagement by respective national governments for the set objectives.

UNEP may contribute to ensure necessary funding for capacity building and information exchange for strengthened capacities.



17-20 June 2012

# WORLD CONGRESS ON JUSTICE, GOVERNANCE AND LAW FOR ENVIRONMENTAL SUSTAINABILITY

Rio de Janeiro, Brazil

## KUALA LUMPUR STATEMENT

Hosted by:



Co-hosted by:



PROJETOS  
DIREITO GV

**MPF**  
Ministério Público Federal  
Seu direito, nossa devoção



Organization of  
American States

In partnership with:

# INTRODUCTION

1. Chief justices and senior judges, attorneys-general and chief prosecutors, auditors-general, senior legal advisers and other representatives of the legal community from countries worldwide met in Kuala Lumpur on 12 and 13 October 2011 at the first preparatory meeting for the World Congress on Justice, Governance and Law for Environmental Sustainability, to be held in Rio de Janeiro, Brazil, from 1 to 3 June 2012 on the eve of the United Nations Conference on Sustainable Development.
2. Mr. Sri Mohd Najib bin Tun Haji Abdul Razak, Prime Minister of Malaysia, delivered an opening statement in which he expressed appreciation to the United Nations Environment Programme for convening the meeting. He suggested that it might be appropriate to consider the creation of a world environment organization to anchor global efforts for the environment.
3. The meeting was an important preparatory step in the process to devise a final outcome to be submitted to the United Nations Conference on Sustainable Development. The World Congress would bring together representatives of national judiciaries and other legal stakeholders to discuss perspectives on the importance of law, justice and accountability within the framework of countries' duties and responsibilities.
4. The Kuala Lumpur Statement sets out the insights and views expressed at the first preparatory meeting by the participants on the themes of justice, governance and law for environmental sustainability and forms an initial contribution to the World Congress. It is not a negotiated document but rather a reflection of the broad perspectives and thinking of the participants that does not necessarily represent country positions or consensus on all issues.

## I. KEY MESSAGES

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5. The participants devised a number of key messages. In terms of social justice for environmental sustainability, the participants said that:

a) The representatives of the legal community at large had a key role to play in advancing national and international efforts to attain environmental sustainability goals and could take a more active role to further their contribution in that respect;

b) There had been important progress that had enhanced the development and wider application of principles of international environmental law over the past decades;

c) There was a need to further strengthen the operational linkages between social justice and environment in areas such as environmental impact assessment, procedural principles, including principles regarding access to information, public participation and access to justice, balancing environmental and development considerations in judicial decision-making and public prosecution and wider use of environmental audits as a means of promoting social justice;

d) Environmental justice required attention to the disproportionate distribution of environmental impacts at the national level, a wider recognition that the poor were the most affected by environmental degradation and the equitable sharing of the burden of mitigating climate change and environmental degradation;

e) It was crucial to strengthen the capacity of all stakeholders engaged in securing social justice and environmental sustainability, such as judges, prosecutors, lawyers, auditors, ombudsmen, parliamentarians and policymakers, in addition to civil society at large, including the private sector, through appropriate and targeted capacity-building programmes;

f) Legal foundations for the advancement of environmental sustainability must be strengthened through the mutual supportiveness of efforts to safeguard the environment and human rights;

g) Poverty alleviation and social justice were fundamental objectives for any new institutional framework for sustainable development and for any measures to reform the existing institutional framework;

h) Urgent consideration must be given to reforming the process by which multilateral environmental agreements were formulated to ensure the widest possible participation by civil society partners and actors;

6. In terms of governance for environmental sustainability, the participant said that:

a) The international environmental governance system was a complex web of multiple entities, which, after 40 years in the making, had come to be viewed as incoherent, dysfunctional, inefficient, in need of urgent attention, owing to its complexity, disenfranchising in particular for developing countries, who could not fully participate to represent and defend their interests, meaning that governance must be directed at outcomes that served the public interest;

b) Any consideration of reforms to strengthen international environmental governance should begin with an understanding of needs at the country level and an assessment of whether such reforms respond to those needs and contribute to sustainability at the national level. Key considerations in reforming international environmental governance included:

i) Need for an effective system for collating, storing and distributing information on environmental sustainability issues that would allow institutions and individuals worldwide to act, including on the interlinkages between global challenges such as food security, energy, health, agriculture, water and poverty reduction;

ii) Need for an integrated, consolidated and simplified system for reporting under multilateral environmental agreements;

iii) Need for input by countries to be reviewed by a single international environment authority making use of the best available technology: such a review mechanism would provide a general understanding of a country's sustainability, its sustainability competitiveness and its implementation performance and would identify the gaps and challenges being faced, enabling donors, organizations and others to assist it to address its implementation challenges;

iv) Potential need to develop stronger linkages at the national level between environmental reporting and national audit offices and parliaments so as to improve accountability for and compliance with obligations assumed by countries;

v) Need for a stronger environmental authority and a more universal voice to speak across the United Nations system on environmental sustainability issues, as energy, water and food security were of paramount importance in the maintenance of peace and security and required permanent, dedicated and competent stewardship;

vi) Need to link the function of keeping the environment under review, including monitoring, assessment and policymaking, with that of financing for the environment, as those responsible for policy, technology and finance must be in constant communication to achieve sustainability on targets;

vii) Need to enhance cooperation and collaboration for capacity-building and implementation support for developing countries at the national level, particularly for with regard to the implementation of multilateral environmental agreements;

c) A fundamental principle of reform was that it was necessary to avoid duplication and create a more cost-effective international environmental governance system: advances in technology offered the possibility of new forms of networked institutions, and approaches to institution-building using distributive powers, social networking and other examples of information and communications technology made it substantially less expensive to invest in new institutions compared to traditional brick-and-mortar institutions, making such investments potentially better suited to the complex system of environmental governance;

d) The Prime Minister of Malaysia called for a new world environmental organization that would be facilitative, would promote cooperation and, in contrast to the World Trade Organization, would not be regulatory in nature;

e) There was general support for the establishment of a world environment organization based on the United Nations Environment Programme but with an expanded role, while the precise form of the organization required further development.

7. In terms of law for environmental sustainability, the participants said that:

a) There had been encouraging trends over the past several decades, such as the progressive development of environmental law and the integration of environment and sustainable development into national constitutions, greater environmental awareness and national environmental law-making: such progress should be accelerated in order to keep pace with the rapidly developing environmental challenges facing the globe;

b) There was a need further to enhance cooperation and coordination between multilateral environmental agreements based on thematic clustering with the aim of strengthening implementation at the national, regional and global levels, including sharing of responsibilities within the framework of the principle of common but differentiated responsibilities, and to promote collaboration between national institutions to enhance synergies in the implementation of environmental law;

c) → g)

- c) To promote common understanding, coherence and reduced fragmentation of international environmental law, there was a need further to elaborate, clarify and codify principles of international environmental law and customary and treaty law, including through the International Law Commission and an anchor organization for the environment;
- d) There was a need to recognize the importance of national-level institutions, implementation mechanisms and accountability processes for the effective implementation of environmental law;
- e) It would be valuable to establish a mechanism for coordinating, facilitating and supporting capacity-building and technical assistance the judiciary and other actors in the legal system and to share best practices: formal articulation of core concepts regarding effective legal institutions, implementation and accountability common across jurisdictions could be valuable as a catalyst;
- f) While it was important to promote collaborative mechanisms, including to tackle transnational environmental crime, the implementation of international environmental law should be supported by persuasive complementary mechanisms (or incentives and disincentives) and by compliance and implementation mechanisms;
- g) Consideration should be given to the establishment of specialist courts to deal with cases involving environmental issues to allow for their more efficient and effective handling.

## II. NEXT STEPS

- 8. The official launch of the World Congress on Justice, Governance and Law for Environmental Sustainability will be held in New York on 14 December 2011, ahead of the second intersessional meeting for the United Nations Conference on Sustainable Development. The Congress will be launched by the Executive Director of the United Nations Environment Programme, the Minister of Environment of Brazil, the Federal Attorney-General of Brazil and the co-chairs of the high-level international advisory committee to the World Congress.
- 9. The second preparatory meeting for the World Congress will take place in Buenos Aires in April 2012. The Kuala Lumpur Statement will feed into those deliberations.
- 10. The World Congress will take place from 1 to 3 June 2012 in Rio de Janeiro and will bring together attorneys-general, chief prosecutors, auditors general, chief justices and senior judges from around the world, in addition to parliamentarians.

## III. ACKNOWLEDGEMENTS

- 11. The partners of and participants at the first preparatory meeting for the World Congress on Justice, Governance and Law for Environmental Sustainability express their sincere thanks to the Prime Minister and Government of Malaysia for hosting the meeting.





17-20 June 2012

# WORLD CONGRESS ON JUSTICE, GOVERNANCE AND LAW FOR ENVIRONMENTAL SUSTAINABILITY

Rio de Janeiro, Brazil

Hosted by:



PROJETOS  
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**MPF**  
Ministério Público Federal  
São Paulo, Rio de Janeiro



Co-hosted by:

## BUENOS AIRES STATEMENT

### Second Preparatory Meeting

*Buenos Aires, Argentina, 23 - 24 April 2012*

Chief Justices, Attorneys General, Auditors General and other experts of high standing gathered in Buenos Aires, Argentina, from 23-24 April, for the 2nd Preparatory Meeting for the World Congress on Justice, Governance and Law for Environmental Sustainability, to be held in Rio de Janeiro, Brazil, on the eve of the United Nations Rio +20 Conference on Sustainable Development from 17 - 20 June 2012. In plenary and focused parallel sessions, they discussed elements for suggested action by the World Congress on the themes of justice, governance and law for environmental sustainability. The Meeting was hosted by the Chief Justice of Argentina, Hon. Mr. Ricardo Lorenzetti and held in conjunction with the Ibero-American Judicial Summit.

At the end of the Preparatory Meeting the participants developed the following statement and suggested elements for attention by the World Congress.

In partnership with:





## I. INTRODUCTION AND GENERAL REMARKS:

We, the Chief Justices, Attorneys General, Auditors General and experts gathered in Buenos Aires, Argentina, for the 2nd Preparatory Meeting for the World Congress on Justice, Governance and Law for Environmental Sustainability, express our common concern regarding the continuing degradation of the natural environment, in particular, of vital natural resources, ecosystems and their services.

We recognize the important contribution made by the legal and auditing community worldwide to the enforcement of standards and safeguards for environmental sustainability. The judiciary in particular, has been the guarantor of the rule of law in the field of the environment worldwide and judicial independence is indispensable for the dispensation of environmental justice.

We recall with appreciation the first Global Judges Symposium convened by UNEP in 2002, in conjunction with the Johannesburg Summit on Sustainable Development, and note with much satisfaction that since then, the importance of the judiciary in environmental matters has further increased and resulted in a rich corpus of decisions as well as in the creation of a considerable number of specialized courts and benches. We recognize that this has had a lasting effect on improving social justice, environmental governance and the further development of environmental law, especially in developing countries.

We warmly welcome the World Congress being convened by UNEP and its partners on the eve of the Rio +20 Conference on Sustainable Development, as a generational opportunity to advance justice, governance and law for environmental sustainability and as an opportunity to make a valuable contribution to the Rio +20 Conference.

We also recall the 1st Preparatory Meeting for the World Congress held in Kuala Lumpur, Malaysia, in October 2011. The 'Kuala Lumpur Statement' formed an excellent basis for our deliberations.

We recognize the overall importance of societies based on the rule of law, appropriate standards of transparency and accountability, the protection and promotion of human rights, and commitment to equity as imperative to the achievement of sustainable development and more environmentally sustainable economies. In this regard, we wish to underscore the role of Law as a valuable tool in shaping the behavioral changes that enable good governance advance sustainability in all corners of the Earth. It is our opinion that important future legal developments will likely occur in the area of procedural rights and related innovations.

Furthermore, we are convinced that promoting social justice requires greater attention to be paid to a.) access to information and justice, given the often disproportionate distribution of environmental impacts across societies at the national level, b.) a wider recognition that the poor and vulnerable communities were the most affected by environmental degradation, and c.) the equitable sharing of the burden of environmental mitigation and degradation overall.

We also express our serious concern that forty years on from the Stockholm Conference on the Human Environment and the creation of the United Nations Environment Programme (UNEP), twenty years after the first Rio Conference on Environment and Development and several hundred multilateral and bilateral environmental treaties, as well as widespread national environmental legal and regulatory regimes, the current environmental governance framework has not delivered its full potential. Lack of implementation of sustainable development policies and laws in many countries have continued to be a major challenge to environmental justice and sustainability.

We are firmly of the view that improving the effectiveness of environmental governance is crucial for the pursuit of sustainable development and social justice and the advancement of the rule of law in general, and environmental law, in particular. In this connection we express our concern that while the international community had long recognized the importance of environmental governance, a clear articulation of what that entails had not yet emerged, nor has an effective framework for coordination and collaboration to strengthen environmental governance.

We see it as self-evident that global environmental challenges call into question the adequacy of international institutions for environmental governance created decades ago and that these institutions, in particular UNEP, should therefore be strengthened to better support effective national, regional and global environmental governance.

We acknowledge that advances in environmental law, governance and social justice will require concrete allocation of adequate resources and commitment to raising awareness and strengthening capacity, including through educational institutions, particularly in developing countries, for the development and implementation of such legal regimes, at all levels.

We express our sincere appreciation and gratitude to the Chief Justice of Argentina, Hon. Mr. Ricardo Luis Lorenzetti, for hosting the 2nd Preparatory Meeting for the World Congress on Justice, Governance and Law for Environmental Sustainability as well as for the leadership in advancing the roles of justice, governance and law for environmental sustainability demonstrated through his chairmanship.



## II. SUGGESTED ELEMENTS FOR ACTION BY THE WORLD CONGRESS:

Following our deliberations, we suggest to the World Congress and its participants, the following themes for consideration and discussion: (1) Social justice and Environmental Sustainability: New Approaches; (2) The Challenge of Environmental Governance at National, Regional and Global Levels: Improving Effectiveness and (3) The Future of Environmental Law: Emerging Issues and Opportunities.

Furthermore, we encourage the World Congress to consider the potential value of creating a process or mechanism that would provide continuity for several years beyond the World Congress and Rio +20 in order to enable continued discussion, coordination, facilitation and implementation of World Congress recommendations.

In addition, we recommend carrying forward to world leaders at the Rio +20 Summit the environmental law, governance and social justice recommendations that emanate from the World Congress. To facilitate the World Congress discussion, we suggest that the World Congress consider the value of efforts to:

### Theme 1 – Social Justice and Environmental Sustainability: New Approaches

- Further develop and share legal instruments for the effective implementation of principles of environmental law including those contained in the Stockholm and Rio Declarations that are aimed at environmental and social justice, and consider the extent to which emerging concepts such as the public trust doctrine and corporate social responsibility can promote social justice in the context of environmental sustainability.
- Further explore the development and adoption of a global or regional Rio Principle 10 Convention, the potential value of borrowing provisions from the Aarhus Convention in this regard, as well as mechanisms for the effective implementation of Principle 10, including through development of new national legislation or implementation approaches, and capacity building, as appropriate.
- Establish a results and priority-based programme of action for prosecuting offices, with a special focus on ensuring social justice and the prevention of significant environmental harm, and encourage the prosecution of cases with the potential for serving as a deterrent to other potential offenders, based on defined criteria.
- Establish training and exchange programmes for judges, prosecutors and relevant legal stakeholders as well as a network for exchange of information on best practices and comparative environmental law, and strengthen cooperation among such legal stakeholders, to better address legal and institutional issues arising in the area of environment, building on existing efforts where appropriate.
- Promote well-informed public participation in the development and implementation of national and international environmental law, through the creation of an integrated network at the national and international levels, using as appropriate, electronic channels of communication, for providing access to environmental information held by governments, the judiciary, public officers, prosecution offices, ombudsman institutions and other relevant legal stakeholders.
- Promote the adoption of appropriate technology that efficiently addresses impacts of pollution, particularly when pollution disproportionately affects vulnerable groups.
- Encourage judicial cooperation in sharing information relevant to adjudicating environmental cases with transnational or cross-border environmental implications, particularly when social justice issues are present.
- Ensure greater correspondence between rights based approaches to a clean, healthy environment, human rights and international environmental health standards provided by, for example, the World Health Organization.
- Consider the concept of an international ombudsperson (possibly within the framework of UNEP) to represent the rights of future generations, particularly in relation to ecosystem integrity.



## Theme 2 – The Challenge of Environmental Governance at National, Regional and Global Levels: Improving Effectiveness

- Promote the precepts of effective national environmental governance, which include, among others, fair, clear and implementable environmental laws; availability and accessibility of environmental information; public participation in decision-making; accountability and integrity of decision-makers; clear and coordinated mandates; and accessible, fair and responsive dispute resolution mechanisms – as well as the positive links between effective national governance systems and effective international environmental governance.
- Strengthen international environmental governance with an enhanced capability to assist the judiciary and other legal stakeholders in the implementation of environmental law at the national level through capacity building, information exchange and knowledge sharing.
- Promote the further development of a knowledge sharing platform to foster improved coordination and collaboration at regional and national level, to contribute to building and maintaining capacities for auditors and other important stakeholders at the national level.
- Promote and increase accountability and transparency in environmental governance by including a broad set of actors in the decision making processes and strengthening institutional frameworks and procedures.
- Explore the potential contribution of dedicated and specialized environmental tribunals, at all levels.
- Assess the effectiveness of Multilateral Environmental Agreements and the implications for the further development of international environmental law, increased collaboration, coordination and coherent national implementation of policies and legislation.
- Enhance the role of UNEP within a strengthened system of international environmental governance to more effectively contribute to the further development and implementation of environmental law.
- Enhance the role of UNEP in disseminating information on environmental law through publications, guidance documents, training and related initiatives.
- Promote the role of environmental auditing to improve good governance with adequate control measures, as a guarantee of public integrity.

## Theme 3 – The Future of Environmental Law: Emerging Issues and Opportunities

- Emphasize the importance of compliance with existing law and the need for further law development, including in the areas outlined by the participants in their discussions of this theme.
- Urge alignment of UNEP's and other World Congress partners' programmes of work in a manner consistent with these objectives, including provision of support in implementation of environmental law and compliance assurance mechanisms, and provision for a comprehensive review of gaps in implementing the Rio Declaration and applicable environmental law, with the aim of enabling progressive development of international and national environmental law in furtherance of sustainable development.
- Encourage intensified bi-lateral and regional cooperation and initiatives among Judges, Attorneys General, Auditors General and other legal officials, directed towards enhancing sustainable development, effective environmental law and institutions, environmental justice, and prevention and resolution of transboundary disputes.
- Call for the establishment of a standing network or networks of Chief Justices, Attorneys General, and Auditors-General, to support the implementation of the outcome of the World Congress with the ability to work at regional and sub-regional levels and exchange information and data in support of these objectives, building on existing efforts as appropriate.

## III. SUMMARY OF THE DISCUSSIONS:

The following section sets out a brief summary of the discussions that took place among the participants in three separate and parallel break-out sessions at the 2nd Preparatory Meeting.



## Theme 1 – Social Justice and Environmental Sustainability: New Approaches

The participants in this subgroup were of the view that social justice had taken on new significance in the light of increased environmental pressures and challenges and that the linkages between the notions of social justice and the environment should be further explored with a view to fully recognizing its importance for the attainment of sustainable development. They believed that greater awareness raising and strengthening of the nexus between social justice and the environment would help to promote the mainstreaming of poverty alleviation, equity and other social justice objectives in environmental decision-making. They were firmly of the view that participants at the World Congress had a unique opportunity to highlight these linkages and pave the way for the creation of the necessary tools for strengthening these linkages at the national, provincial and local levels.

The participants examined the subject in the context of four inter-related sub-themes. On “Law as a tool to promote social inclusion, social protection and equitable and sustainable development and resilience to environmental change”, some participants observed the value of direct enforcement of norms and principles incorporated in multilateral environmental treaties and conventions as a means of providing a consistent, minimum standard of environmental protection, when permitted by national constructs for ratifying international agreements. Participants emphasized the importance of implementation of environmental law, including robust enforcement, with a focus on prevention, to, inter alia, ensure that a disproportionate burden of protecting the environment was not borne by any particular group, especially the poor and the vulnerable. They also emphasized that there should be transparency in and accountability for actions taken and that all stakeholders should enjoy right of access to information and participation in decision-making, including during environmental impact assessments or environmental audits. In this connection, they emphasized the need for expeditious investigation and hearing of cases relating to violations of environmental laws. They called for Judges who decide on environmental cases to be provided with adequate relevant information and advisory support. They also highlighted the need for encouraging direct judicial cooperation in sharing information relevant to adjudicating cases with transnational or cross-border environmental and social justice implications.

On the “Legal dimension of equity, distribution and access to ecosystem services and natural resources”, some participants were of the view that legal norms and practices needed to be strengthened with the further development of concepts such as the public trust principle, advocated by some as a means to facilitate equitable access to environmental resources. The participants also discussed the possible value of enhancing access by foreign nationals to courts in countries where multi-national corporations have their headquarters, when, for example, pollution is caused by their activities in less developed countries with insufficient justice mechanisms.

Some also encouraged the further development of social inclusion within the framework of the UNEP Guidelines on Access to Information, Public Participation and Environmental Justice.

In regard to “Advancing the implementation of Rio Principle 10 on access to information, public participation and access to justice in environmental matters”, the participants were strongly of the view that despite the great strides made by many countries in substantive and procedural terms to promote social inclusion and social protection, particularly of vulnerable groups, including the poor, much more needed to be done to improve access to justice in environmental matters and opportunities for public participation, through access to information, especially in relation to the often illusive inter-generational aspect of environmental justice. In this connection, the participants emphasized the need for institutions engaged in the review of administrative actions such as final decisions in environmental permitting processes - which required good faith considerations - to take due account of every significant and relevant environmental issue, including those raised through public participation. There was also a need, they said, for improving the ways in which the judiciary, prosecutors and auditors, communicated with the interested public, making use of the best available communication technology, such as electronic processes, and new media. Participants noted the value of Judges giving reasons for their decisions in environmental cases and in appropriate cases, particularly those involving vulnerable communities, providing summaries or other reader-friendly accounts of the content of their decisions. They affirmed the need for strict enforcement of the rules related to content and process of environmental impact assessments and strategic environmental assessments, and called for ensuring the availability of effective review processes for administrative decisions that violated rules on transparency, access to information and the rights of public participation.

On the question of a “rights-based approach to environmental management”, some participants maintained that the right to live in a “healthy” and “clean” environment was indispensable to the integrity of the human person and that this right should be echoed in national legal systems including constitutions. Participants highlighted some of the procedural tools that are used in some countries to advance a rights-based approach to environmental protection such as, provision of attorney fees for plaintiffs representing the public interest; shifting the burden of proof; strict liability for damage to natural resources; and injunctive relief to preclude continuation of an ongoing harm, consistent with a precautionary approach. They also believed that substantive environmental rights should be referenced to objective standards such as, for example, guidelines provided by WHO regarding maximum exposure to pollutants. Alternative or complementary methodologies for giving effect to substantive rights, they said, required judges, prosecutors and other relevant legal stakeholders basing their actions on the right to a healthy and clean environment as an intangible and fundamental human right and the application of precautionary principle in the event of doubt. The actions should also respect and balance the public interest with the interests of the private investors, and exploitation of natural resources should respect the imperatives of environmental sustainability, including the adoption of measures of prevention, mitigation, recovery, and reparations or compensation. Among the other actions that they believed could promote a rights-based approach to environmental management

were: continued adoption of a broad basis for standing to allow easy access to courts; non-discrimination; enhancing respect for the cultural and environmental values of indigenous peoples relative to the economic value of environment-impacting activity; and methods to promote the implementation or domestication of international principles, conventions and declarations, taking into account variations between different legal systems. They also called for all attempts to be made to eliminate any conflict and ensure clarity of responsibilities between the various levels of government. They also considered favorably the establishment of specialized environmental courts at the national levels complemented by the provision of technical and jurisdictional support to judges.

Finally, the participants deliberated on the concept of an international ombudsperson to represent future generations whose jurisdiction should focus on "tipping points" for ecosystem integrity. They believed that such ombudsperson should also have a voice in international negotiation of MEAs and perhaps, an advisory role in national environmental law-making. There was also a suggestion that creation of an international ombudsman could occur as part of the reformed institutional framework for sustainability, with the possibility of conferring this jurisdiction on UNEP.

## Theme 2 - The Challenge of Environmental Governance at National, Regional and Global Levels: Improving Effectiveness

Many of the challenges and opportunities that were discussed in this subgroup centered on the requirements for effective environmental governance in national contexts. Participants also drew attention to the close nexus between international and national environmental governance, and expressed the view that improved environmental governance at the international level could significantly enhance environmental governance at the national level by, inter alia, supporting the judiciary, auditors and other stakeholders to more effectively implement environmental law. In this connection, the view was expressed by a number of participants that improved international environmental governance could result from an evolution of UNEP beyond the status of a 'programme'.

Participants discussed both negative and positive factors relating to the enforcement of existing laws and regulations. There was consensus on the view that in order to achieve more effective enforcement, an enhanced role of the judiciary was crucial. Judges played a key role in interpreting and implementing the vast array of laws and regulations including international, regional, national and municipal laws. They affirmed that from a national perspective, implementation could be improved significantly, if the judiciary along with auditors and other stakeholders had a more precise overview of developments at the regional and global levels in the field of environmental law. They observed that the independence of the judiciary was essential for effective governance. Further, the functional autonomy of technical offices was also crucial for the same objective.

Increasing the effectiveness and coherent implementation of Multilateral Environmental Agreements (MEAs) was discussed in the context of the impact on national environmental governance. In this regard, they highlighted that key issues for deliberation at the World Congress could include a review of the effectiveness of Multilateral Environmental Agreements and the implications for the further development of international environmental law, as well as increased collaboration, coordination and coherent national implementation.

Participants discussed the fact that in jurisdictions allowing direct enforcement of MEAs, the provisions of the MEAs are an important source of law that the courts have a key role in effectuating, even in face of otherwise inadequate or uneven MEA implementation at the national level. In view of the courts' key role as an implementing mechanism in many jurisdictions, some participants advocated for better systems for informing and consulting members of the judiciary in the context of international discussions related to environmental law and treaties, based on the view that this would both help inform the international deliberations and ultimately enhance the capacity of the courts to serve their effectuating role. Participants saw the review of the governance architecture at the global level as offering a possible opportunity for considering innovations along these lines.

Strengthening national accountability, transparency and integrity for actions regarding the environment was considered an integral part of environmental governance which could be improved through the inclusion of a broader spectrum of society in the decision making processes.

## Theme 3 - The Future of Environmental Law: Emerging Issues and Opportunities

The participants in this subgroup observed that law, in a broad sense, played a fundamental role in shaping behavioral change and promoting environmental sustainability. For example, law could play an important role in providing a general framework as well as implementing tools for a green economy and in ensuring that social objectives such as poverty eradication and social equity were adequately reflected and promoted when transitioning to a green economy.

Since the Rio Declaration in 1992, there had been significant development of international and national law inspired by the Rio Principles, in the form of multilateral environmental agreements, national legislation and judicial decisions. The participants considered these developments as important to the full realization of the aspirations of the 1992 Earth Summit as well as new developments associated with the green economy, and called for encouraging their continued progression. They also called for a comprehensive review of gaps in implementing the Rio Declaration that could help guide future international cooperation and



collaboration and viewed coherent governance systems, at all levels, from the local to the global, as a foundation for the continued development and implementation of environmental law.

In terms of the further evolution of environmental law, they reiterated the imperative of ensuring compliance with existing laws. A range of enforcement responses, including tough prosecution of environmental misdeeds to impose penalties sufficient to deter violations, and strong, fair, and expeditious adjudication by judges, were considered to be essential to achieving environmental objectives and promoting the rule of law in the area of environment and development.

They also observed a need for further law development in the environmental context, especially in the area of procedural rights, particularly, the rights of the public to access environmental information, participate in environmental decision-making, and, to gain access to justice. They saw these procedural issues as a significant remaining obstacle to achieving global environmental objectives, and called for urgent attention, vigilance, and commitment, as well as consideration of new approaches to address these issues. They also called for recognizing the importance of precautionary and preventive considerations in environmental procedures, speedy and open processes, and effective execution of judgments, in order to ensure effective measures to avoid environmental damage and control risks.

With regard to the types of legal actions that could be brought to address environmental disputes and the remedies that flow from those actions, the participants observed that they were unduly limiting in terms of the extent to which they allowed for tailored and meaningful redress and questioned whether classical criminal prosecution alone was too blunt an instrument to address the full range of modern environmental problems. They observed that the time was right for development of other causes of action, remedies, and procedures that could complement criminal prosecutions and in this connection saw a need for: a.) review of rules of evidence and procedure to assess effectiveness in advancing the Rio Principles, b.) expanded use of alternative dispute resolution techniques, such as mediation, and c.) enlargement of the toolkit for addressing environmental disputes.

They noted that transition to the green economy would in some circumstances require amendments to or strengthening of environmental law, as well as other areas of law, such as tax, finance, planning, and import/export law that could incentivize behavior and materially intersect with environmental law in the context of a green economy. The command and control regimes that had been so instrumental to improving environmental quality in much of the world, while remaining important, they contended needed to be examined to ensure that they provided sufficient flexibility to allow for market-based approaches when these were appropriate and necessary to achieving green economy objectives. They stated that instruments such as environmental impact assessment (EIA), in their various forms, and other legal tools, would play an important role in the green economy, ensuring environmental integrity and avoiding potential negative social, economic and environmental results. They indicated that EIA instruments might need to be reconsidered to ensure that they allow consideration of the full range of issues and interests relevant in the progression towards the green economy.

They further observed that although a premise of the green economy is founded on the notion that economic development and environmental protection can and should proceed as complementary, or even with merged objectives, there was significant concern about environmental protections being rolled back in the name of spurring economic development. They believed that the choice between the economy and the environment was a false choice and that it was critical that the environmental progress of the last twenty years not be eroded, and in this connection saw the further development of non-regression and anti-backsliding law in many jurisdictions as offering a promising response to this matter.

Environmental challenges being border-blind, in that ecosystems often transcend national boundaries, they reflected on the issue of transboundary impacts on shared ecosystems and natural resources, which continues to be a significant area of concern for many states. They observed that just as neighboring states often share ecosystems, they also often share history, tradition and culture, and for this reason, regional and bi-lateral arrangements to facilitate resolution of transboundary issues and disputes had proven helpful in some parts of the world and bore consideration for broader utilization. Consideration of opportunities to harmonize environmental protection requirements and strategies might, they said, be particularly appropriate in this setting, and they called for additional cooperation mechanisms to prevent and apprehend trans-national violations, including environmental crime.

They also considered that laws pertaining to protection of areas beyond national jurisdictions – for which none are specifically responsible but which all value and upon which all depend – might be inadequate in responding to modern challenges, such as depletion of global fishing stocks and protection of biodiversity and genetic resources and asserted that preoccupation with national and regional environmental problems should not distract from protecting areas beyond national jurisdictions, and called for closer and more urgent attention to the further development of law and institutional mechanisms in this area, in addition to the application of existing legal principles.

Finally, they noted that environmental law and jurisprudence do not regulate a static system and that new scientific knowledge, economic theory, and other developments and trends can rapidly change the parameters and context in which environmental law operates. In this connection, they articulated the need for further examination of the intersection between environmental law and human rights law and for new understandings regarding the role and value of environmental services in the context of evolving circular economy concepts, and called for these to be factored more fully into the analytic framework for environmental decision-making.

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17-20 June 2012

# WORLD CONGRESS ON JUSTICE, GOVERNANCE AND LAW FOR ENVIRONMENTAL SUSTAINABILITY

Rio de Janeiro, Brazil

## PROGRAM 17 JUNE 2012

Hosted by



Co-hosted by



PROJETOS  
DIRETO GV



In partnership with



INTOSAI  
Working Group  
on Environmental  
Accounting



Organization of  
American States



## 17 JUNE 2012

Venue: Supreme Court of the State of Rio de Janeiro, Rio de Janeiro

*(Simultaneous interpretation will be provided for the following languages: English, French and Spanish)*

### SESSION I: Ceremonial Opening

16:00 - 17:20 | High-level Opening Panel

**HE Mr. Ban Ki-Moon**, Secretary-General of the United Nations

**HE Mr. Kwon Jae-Jin**, Minister of Justice, Republic of Korea

**Hon. Mr. Carlos Ayres Britto**, Chief Justice, Constitutional Court of Brazil (STF)

**The Rt. Hon. Tun Arifin bin Zakaria**, Chief Justice of Malaysia, Host of the First Preparatory Meeting for the World Congress

**Hon. Mr. Luis Ricardo Lorenzetti**, Chief Justice of Argentina, Host of the Second Preparatory Meeting for the World Congress

**Hon. Dr. Roberto Monteiro Gurgel Santos**, Prosecutor-General of Brazil

**Mr. Terence Nombembe**, Auditor General of South Africa, President of INTOSAI

**Ambassador Mr. Albert Ramdin**, Assistant Secretary-General, Organization of American States

**HE Ms. Isabella Teixeira**, Minister of Environment of Brazil

**Mr. Achim Steiner**, Under-Secretary-General of the UN, Executive Director of UNEP

**Hon. Mr. Antonio Herman Benjamin**, Judge, High Court of Brazil (STJ), Chairman of the International Steering Committee for the World Congress

**Hon. Mr. Manoel Alberto Rebêlo dos Santos**, Chief Justice of the Supreme Court of Rio de Janeiro

17:20 - 17:30 | Official Opening Remarks

**HE Ms. Isabella Teixeira**, Minister of Environment of Brazil

17:30 - 19:00 | Environmental Sustainability and the Role of Law, Justice and Governance: the Challenges and Opportunities Facing the World Today

CHAIRPERSON:

**Hon. Mr. Manoel Alberto Rebêlo dos Santos**, Chief Justice of the Supreme Court of Rio de Janeiro

KEYNOTE SPEAKERS:

**Mr. Achim Steiner**, Under-Secretary-General of the UN, Executive Director, UNEP

**Hon. Mr. Antonio Herman Benjamin**, Judge, High Court of Brazil (STJ)

19:00 | Reception hosted by the Co-Hosts of the Congress

21:00 | Transfer to the Portobello Hotel

*(Transport will be provided for participants between Mangaratiba and the Supreme Court of Rio de Janeiro)*

PRESIDENCY:

**Hon. Mr. Carlos Ayres Britto**, Chief Justice, Constitutional Court of Brazil (STF)

**The Rt. Hon. Tun Arifin bin Zakari**, Chief Justice of Malaysia

**Hon. Mr. Luis Ricardo Lorenzetti**, Chief Justice of Argentina

**Hon. Dr. Roberto Monteiro Gurgel Santos**, Attorney-General of Brazil

SECRETARY GENERAL:

**Hon. Mr. Antonio Herman Benjamin**, Judge, High Court of Brazil (STJ), Chairman of the International Steering





17-20 June 2012

# WORLD CONGRESS ON JUSTICE, GOVERNANCE AND LAW FOR ENVIRONMENTAL SUSTAINABILITY

Rio de Janeiro, Brazil

## PROGRAM 18-19 JUNE 2012

Hosted by



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## 18 JUNE 2012

Venue: Portobello Resort, Mangaratiba, State of Rio de Janeiro

### SESSION II: Scene – Setting and Organization of Work (in plenary)

*Session II will provide an introduction to the objectives of the World Congress, the agenda and the conduct of the meeting. It will also introduce the participants to the preparatory process, the outcome documents from previous meetings and the preparation of an outcome document of the World Congress.*

PRESIDED OVER BY

**Hon. Dr. Roberto Monteiro Gurgel Santos**, Attorney-General of Brazil

09:00 - 09:30 | Opening remarks by partner and host organizations:

**Hon. Mr. Claudio dell'Orto**, Associação dos Magistrados do Estado do Rio de Janeiro

**Hon. Mr. Cláudio Soares Lopes**, Ministério Público do Estado do Rio de Janeiro

**Representative of FGV Foundation**

**Mr. David Higgins**, Interpol

**Ms. Sheila Abed**, IUCN

**Mr. Kenneth Markowitz**, INECE

09:30 - 10:00 | Introduction to the objectives of the World Congress, its agenda and organization of work:

**Mr. Bakary Kante**, Director of the Division of Environmental Law and Conventions, UNEP

ADOPTION OF THE AGENDA

*The Road to Rio: overview of the preparatory process for the World Congress and presentation of the contribution from the Kuala Lumpur and Buenos Aires meetings towards a possible outcome document*

**Prof. Gary Sampson and Prof. Zakri Bin Abdul Hamid**, Co-Chairs of the High Level International Advisory Committee for the World Congress

10:00 - 10:30 | Tea/Coffee Break

### SESSION III: Parallel Sessions on Theme 1: Social Justice and Environmental Sustainability: New Approaches

*Session III will address substantive aspects of the nexus between social justice and environmental sustainability and will analyze existing and emerging approaches that can be used to make such nexus stronger. Discussions will take place in two parallel sessions, each focusing on a sub-set of themes.*

10:30 - 13:00 | Parallel Session 1.1 Rights-based approach: the nexus between human rights and the environment and the emergence of environmental rights

*This parallel session will address a rights-based approach to environmental management, and will have a strong focus on the nexus between human rights and the environment, and the concept of environmental rights. Participants will have an opportunity to share their views and experiences on the themes being discussed.*



**CHAIRPERSON:**

**Hon. Mr. Khil Raj Regmi**, Chief Justice of Nepal

**PANELISTS:**

**Hon. Mr. Jerome Kimpale Kitiko**, President, Supreme Court, Democratic Republic of the Congo

**Hon. Mr. Luc Lavrysen, Justice**, Constitutional Court of Belgium

**HE Mr. Manuel Pulgar Vida**, Minister of Environment, Peru

**Prof. Zakri Abdul Hamid**, Chair of the High-level International Advisory Committee, Science Advisor to the Prime Minister of Malaysia

**SECRETARIAT RESOURCE PERSONS:**

**Ms. Wanhua Yang**, UNEP

**Ms. Cristina Zucca**, UNEP

**10:30 - 13:00 | Parallel Session 1.2 Promoting access to information, public participation and access to justice in environmental matters, as well as equitable access to natural resources and ecosystem services, non-discrimination and social protection**

*This parallel session will discuss the precepts reflected in Principle 10 of the Rio Declaration, on the importance of participation of all concerned citizens, and access to relevant information and to justice. It will also address the issues of access to natural resources and ecosystem services, which provide fundamental services to humankind and contribute to people's well-being. Participants will have an opportunity to share their views and experiences on the themes being discussed.*

**CHAIRPERSON:**

**Justice Winston Anderson**, Caribbean Court of Justice

**PANELISTS:**

**Mr. Fredrick Egonda Ntende**, Chief Justice of Seychelles

**Ms. Shiranee Tilakawardena**, Justice, Supreme Court of Sri Lanka

**Ms. Mija Sakslin**, Deputy Ombudsman, Finland

**Dr. Hans Corell**, Former Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations

**Mr. Simon Upton**, Director, Environment Directorate, Organization for Economic Cooperation and Development

**SECRETARIAT RESOURCE PERSONS:**

**Ms. Andrea Brusco**, UNEP

**Mr. Juergen Friedrich**, UNEP

**13:00-14:30 | Lunch Break**

**SESSION IV: Parallel Sessions on Theme 2: The Challenges of Environmental Governance at National, Regional and Global Levels: Improving Effectiveness**

*Session IV will address the challenges of effective environmental governance at national, regional and global levels. Discussions will take place in two parallel sessions, each focusing on a sub-set of themes.*



**14:30 - 16:00 | Parallel Session 2.1: Precepts and enabling conditions for effective governance at the national level**

*This parallel session will focus on the factors that contribute to effective national governance, including in light of the linkages between effective national governance and the implementation of international environmental treaties. It will also include discussion of the role of specialized environmental courts. Adequate capacities and other enabling conditions as foundation for effective governance systems will also be discussed. Participants will have an opportunity to share their views and experiences on the themes being discussed.*

**CHAIRPERSON:**

**Mr. Scott Vaughan**, Commissioner of the Environment and Sustainable Development, Canada

**PANELISTS:**

**Ms. Anna O. Chifungula**, Auditor General, Zambia

**Mr. Takdir Rahmadi**, Justice, Supreme Court of Indonesia

**Mr. Gopal Krishna Pandey**, Green Tribunal, India

**Mr. Scott Fulton**, Legal Counsel, USEPA

**Mr. Tõnis Saar**, Working Group on Environmental Auditing, INTOSA

**SECRETARIAT RESOURCE PERSONS:**

**Ms. Wanhua Yang**, UNEP

**Ms. Cristina Zucca**, UNEP

**14:30 - 16:00 | Parallel Session 2.2: Effective governance at the regional and international level, including the role of cross-border cooperation in environmental matters**

*This parallel session will focus on features and factors for effective environmental governance at regional level, as well as at the global level. It will also discuss the linkages between the national and the international levels of governance, as well as the role of regional and global governance in supporting national level efforts. Participants will have an opportunity to share their views and experiences on the themes being discussed.*

**CHAIRPERSON:**

**Mr. Githu Muigai**, Attorney General of Kenya

**PANELISTS:**

**Mr. Leandro Despuy**, President, Supreme Audit Institution of Argentina

**Mr. James Cameron**, Executive Director and Vice Chairman, Climate Change Capital

**Mr. Cletus Springer**, Director, Department of Sustainable Development, Organization of American States (OAS)

**Mr. Bradnee Chambers**, Chief, Environmental Law and Governance Branch, UNEP

**SECRETARIAT RESOURCE PERSONS:**

**Ms. Andrea Brusco**, UNEP

**Mr. Juergen Friedrich**, UNEP



16:00 - 16:30 | Tea/Coffee Break

16:30 - 17:30 | Discussion in parallel sessions continued

**SESSION V: Closing Session for the Day (in plenary)**

*Session V will hear a report from respective Chairs of the parallel sessions that took place during the day. The Chair of this session will summarize the main messages.*

PRESIDED OVER BY:

**The Rt. Hon. Tun Arifin bin Zakaria**, Chief Justice of Malaysia

17:30 - 18:00 | Chairs' report from parallel sessions on Themes 1 and 2 to the Plenary  
Plenary discussion

18:00 - 18:10 | Closing Remarks for Day 1

**Dr. Bindu Lohani**, Vice President, ADB (TBC)

**Dinner – Event: Regional dinner table discussion on the unique regional contributions to the debates at the World Congress\*.**

Roundtable 1: Asia

MODERATED BY:

**Hon. Ms. Rachel Pepper**, Justice, Land and Environment Court Of New South Wales, Australia

Roundtable 2: Africa and West Asia

MODERATED BY

**Hon. Mr. Mr. B.J. Odoki**, Chief Justice of Uganda

Roundtable 3: Latin America and the Caribbean

MODERATED BY:

**Hon. Mr. Sergio Manuel Muñoz Gajardo**, Chief Justice of Chile

Roundtable 4: Europe and North America

MODERATED BY:

**Hon. Mr. Anders Bengtsson**, Senior Judge, Sweden

*\* These discussions are intended to facilitate regional cooperation and to the formulation of the main messages and outcomes from the World Congress (see Session VIII).*



**19 JUNE 2012**

Venue: Portobello Resort, Mangaratiba, State of Rio de Janeiro

**SESSION VI: Parallel Sessions on Theme 3: Future of Environmental Law: Opportunities and Emerging Issues**

*Session VI will address the environmental law challenges, opportunities and emerging issues of the future. Discussions will take place in two parallel sessions, each focusing on a sub-set of themes.*

**09:00 - 10:30 | Parallel Session 3.1: Emerging developments and principles in environmental law: procedural challenges and opportunities**

*This parallel session will focus on the emerging developments ongoing in environmental law, including at the procedural level, to respond to the ever evolving challenges faced by the legal community in dealing with environmental issues. Issues for discussion will include the emergence of principles guiding the development and the interpretation of environmental law, as well as issues related to procedural rules and dispute settlement mechanisms. The role of cooperation across borders in relation to environmental cases with an international dimension will also be addressed. Participants will have an opportunity to share their views and experiences on the themes being discussed.*

**CHAIRPERSON:**

**Hon. Ms. Ragnhild Noer**, Justice, Supreme Court of Norway

**PANELISTS:**

**Hon. Mr. Gonzalo Hurtado Zamorano**, President of the Supreme Court of Bolivia

**Hon. Mr. Winai Ruangsri**, Justice, Supreme Court of Thailand

**Mr. Charles Di Leva**, Chief Counsel for Environment, Sustainable Development and International Law, World Bank

**Mr. Presbitero Velasco**, Justice, Supreme Court of the Philippines

**SECRETARIAT RESOURCE PERSONS:**

**Ms. Wanhua Yang**, UNEP

**Ms. Cristina Zucca**, UNEP

**09:00 - 10:30 | Parallel Session 3.2: The role of law in addressing new and emerging environmental sustainability issues: substantive challenges and opportunities**

*This parallel session will focus on emerging environmental issues and how environmental law can address them. It will include among others addressing the environment in areas beyond national jurisdiction, growing transnational environmental crime, supporting a transition to a green economy at all levels, and other emerging environmental threats that need to be addressed through the law. Participants will have an opportunity to share their views and experiences on the themes being discussed.*

**CHAIRPERSON:**

**Hon. Lord Robert Carnwath JSC**, Supreme Court, UK

**PANELISTS:**

**Justice Syed Mansoor Ali Shah**, High Court of Pakistan

**Mr. Francisco Javier Díaz Verón**, Prosecutor General, Paraguay

**Dr. Dhananjaya Chandrachud**, Justice, High Court of Bombay, India



**Mr. John Scanlon**, Secretary General, CITES  
**Mr. David Higgins**, Interpol

**SECRETARIAT RESOURCE PERSONS:**

**Ms. Andrea Brusco**, UNEP  
**Mr. Jürgen Friedrich**, UNEP

10:30 - 11:00 | Tea/Coffee Break

11:00 - 12:00 | Discussion in parallel sessions continued

**SESSION VII: Main Messages from the Parallel Sessions (in plenary)**

*Session VII will hear a report from respective Chairs of the parallel sessions that took place during the day. The Chair of this session will summarize the main messages.*

**PRESIDED OVER BY:**

**Hon. Mr. Luis Ricardo Lorenzetti**, Chief Justice of Argentina

12:00 - 13:00 | Chairs' report back from the parallel sessions on Theme 3 to the Plenary  
Plenary discussion

*Summary and main messages from all the thematic discussions*

13:00 - 14:30 Lunch Break

**LUNCH - EVENT: Lunch table discussions on the unique individual contributions by the respective groups of national legal stakeholders represented in the World Congress to environmental sustainability\*.**

**Roundtable 1: Judges**

**MODERATOR:**

**Dr. Kala Mulqueeny**, Senior Legal Counsel, ADB

**Roundtable 2: Prosecutors**

**MODERATOR:**

**Mr. David Higgins**, INTERPOL

**Roundtable 3: Auditing institutions**

**MODERATOR:**

**Mr. Tõnis Saar**, INTOSAI

**Roundtable 4: NGOs and other legal professionals**

**MODERATOR:**

**Mr. Kenneth Markowitz**, INECE

**Roundtable 5: Ministers and other government representatives**

**MODERATOR:**

**Mr. Bakary Kante**, UNEP

*\*These discussions are intended to facilitate regional cooperation and to the formulation of the main messages and outcomes from the World Congress (see Session VIII).*



## **SESSION VIII: Rio+20 and Beyond: Formulation of Outcomes from the World Congress**

*Session VIII will discuss the outcomes of the World Congress, and in particular the messages that the World Congress will deliver to the Heads of States and Government gathered at the Rio+20 Conference, and will discuss long-term outcomes that participants envisage to stem from the World Congress, including in terms of a programme of work for the continued engagement of and support to the legal and auditing communities worldwide, and in terms of emerging issues requiring special attention in the next decades, from the perspectives of justice, governance and law.*

PRESIDED OVER BY:

**Hon. Mr. Carlos Ayres Britto**, Chief justice, Constitutional Court of Brazil (STF)

**14:30 - 15:30 | Rio+20: Contributions from the World Congress to the Themes and Objectives of Rio+20: Main Messages from the World Congress**

Panel (Chairs of parallel sessions) and plenary discussion moderated by Prof. Zakri, Co-Chair of the High Level International Advisory Committee for the World Congress

**15:30 - 16:30 | Beyond Rio+20: Long-term Perspectives and Engagement of the Legal Community and Auditing Community Worldwide to Promote Environmental Sustainability**

Panel (Chairs of parallel sessions) and plenary discussion moderated by Prof. Gary Sampson, Co-Chair of the High Level International Advisory Committee for the World Congress

**16:30 - 17:00 | Tea/Coffee break**

**17:00 - 18:00 | Finalization of the draft Outcome Document**